

January 6, 2003

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FEDERAL COMMUNICATIONS COMMISSION
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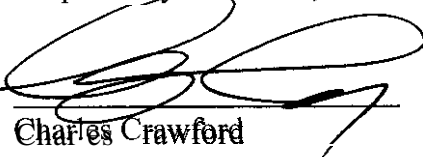
Ms. Marlene Dortch
Secretary Federal Communications Commission
445 Twelfth Street, S.W.
12th Street Lobby – TW – A325
Washington, D.C. 20554

Re: Petition for Rule Making
Vinton, Louisiana MB Docket No. 02-248
Motion for Leave to File Reply Comments &
Reply Comments of Charles Crawford

Dear Ms. Dortch:

Enclosed is an original and four (4) copies each of my "Motion for Leave to File Reply Comments" and "Reply Comments of Charles Crawford" for Vinton, Louisiana.

Respectfully submitted,



Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 520-7077 Tele
(214) 443-9308 Fax

VintonResponseLet

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**Before the
Federal Communications Commission
Washington, D.C. 20554**

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OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of 73.202 (b))	MB Docket No. 02-212
Table of Allotments)	RM-105 16
FM Broadcast Stations)	
(Vinton, LA, Crystal Beach, Winnie,))	
and Lumberton, TX))	

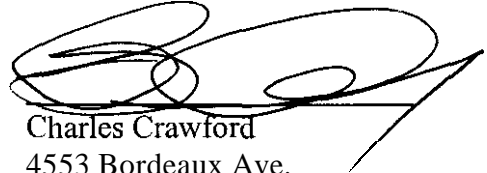
To: John Karousos, Assistant Chief
Audio Division of the
Media Bureau

MOTION FOR LEAVE TO FILE REPLY COMMENTS

I, Charles Crawford, hereby request leave to file "Reply Comments of Charles Crawford" dated January 5, 2003 to the "Reply Comments of Tichenor License Corporation" ("TLC"), dated December 26, 2002. Good cause exists for acceptance of the Reply Comments of Charles Crawford filed this date. The Reply Comments of Tichenor License Corporation dated December 26, 2002 in support of its allotment scheme are totally inconsistent with arguments made by Tichenor License Corporation vigorously attacking a similar scheme by another party in another allotment proceeding as "obstructionist" and "disingenuous." The Commission should be aware of this duplicity in its consideration of Tichenor's arguments in support of its allotment scheme here. I have acted diligently to prepare and file my Reply Comments as quickly as practicable taking into account service by mail and the intervening holiday season. Given the circumstances of this proceeding, acceptance and consideration of the subject Reply Comments will not materially delay final resolution of the matter.

The factual information in this "Motion for Leave to File Reply Comments" is correct and true to the best of my knowledge.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles Crawford", with a long horizontal line extending to the right.

Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205

(214) 520-7077 Tele
(214) 443-9308 Fax

cc: Gene A. Bechtel, Law Office of Gene Bechtel, suite 600, 1050 17th Street, N.W., Washington, D.C. 20036, tele: (202) 496-1289, fax: (301) 762-0156, attorney for the Petitioner. It is requested that the Commission and any parties who may file pleadings in the captioned matter serve copies to Mr. Bechtel as well as the Petitioner.

January 6, 2003

CERTIFICATE OF SERVICE

I, Charles Crawford, hereby certify that on this 6th day of January, 2003, I caused copies of the foregoing "Motion for Leave to File Reply Comments" to be placed in the US. Postal Service, first class postage prepaid, addressed to the following persons:

John Karousos, Assistant Chief
Audio Division of the Media Bureau
Federal Communications Commission
Portals II, Room 3-A266
445 12th Street SW
Washington, D.C. 20554

Gene Bechtel, Esq.
Law Offices of Gene Bechtel, P.C.
1050 17th Street, N.W., Suite 600
Washington, D.C. 20036-5517
(Counsel for Petitioner)

Mark N. Lipp, Esq.
J. Thomas Nolan, Esq.
Shook, Hardy & Bacon, L.L.P.
600 14th Street, N.W., Suite 800
Washington, D.C. 20005
(Of Counsel for Tichenor License Corporation)

Lawrence N. Cohn
Cohn and Marks LLP
1920 N Street, NW, Suite 300
Washington, DC 20036-1622
(Counsel for Tichenor License Corporation)

Charles Crawford

Before the
Federal Communications Commission
Washington, D.C. 20554

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JAN - 7 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of 73.202 (b))	MB Docket No. 02-212
Table of Allotments)	RM-105 16
FM Broadcast Stations)	
(Vinton, LA, Crystal Beach, Winnie,))	
and Lumberton, TX)	

To: John Karousos, Assistant Chief
Audio Division of the
Media Bureau

REPLY COMMENTS OF CHARLES CRAWFORD

I, Charles Crawford, submit these "Reply Comments of Charles Crawford" to the "Reply Comments of Tichenor License Corporation" ("TLC"), filed on December 26, 2002 in the above captioned proceeding. In order to complete the public record, I am presenting new and relevant information in light of the arguments made in Reply Comments filed December 26, 2002 by Tichenor License Corporation.

1. Tichenor License Corporation speaks to the Commission out of both sides of its mouth. In my October 15, 2002 Reply Comments, I described the Tichenor Counterproposals proposed change in community of license of KOBT-FM (formerly KLAT-FM) from Winnie, Texas to Lumberton, Texas as an "arbitrary and artificial devise" (page 3), which TLC has used "to manipulate the FCC procedures" (page 4), to create a "contrived void" (page 4), for the "sole purpose.. .of gain[ing] the favor of the Commission." In Tichenors December 26, 2002 Reply Comments, the net result of their response is, so what! Tichenor goes on to say that the charge of duplicity in TLC's

proposal to change Station KOBT's community of license to Lumberton is irrelevant and should be rejected.

2. Tichenor says, "The short answer to Crawford's attack is that on numerous occasions the Commission has approved proposals to change a station's community of license (and awarding a "first local service" preference) where there is no change in the station's transmitter site or channel." Tichenor cites four cases to support this contention. However, none of these four cases involve the very important issue with which we are dealing with here, which is the gratuitous change of a stations community of license merely to be employed under Section 307(b) to award a decisionally dispositive preference. KOBT's proposed change in city of license is entirely gratuitous, disingenuous and is simply a devise to achieve an end unrelated to the city of license change and not to enhance service to the public.

3. In MM Docket No. 99-284, Galveston and Missouri City, Texas, (see Exhibit A), Messrs. Cohn and Marks on behalf of Tichenor License Corporation, ironically, expressed concerns for the manipulation of the Commission processes. In their Comments to this proceeding, Tichenor characterizes KQQK's proposed change in city of license as entirely gratuitous, disingenuous and is simply a devise to achieve an end unrelated to the city of license change and not to enhance service to the public.

4. Tichenor substantiates this claim by saying that the purely obstructionist motivation for KQQK's Petition is unmistakably revealed by the simple fact that KQQK could move its transmitter from its current site without a city of license change. In that same proceeding, Tichenor said the following:

"KQQK's Petition [to change city of license from Galveston to Missouri City]

is completely unnecessary, and is nothing more nor less than a transparent effort by KQQK to frustrate Tichenor Licensing Corporation's proposal to reallocate Station KOVA from Rosenberg to Missouri City."

"The means selected by KQQK to obstruct Tichenor Licensing Corporation was to propose changing the community of license of Station KQQK-FM from Galveston to Missouri City, not to enhance service to the public, but in the hope that it would be approved by the Commission before the Commission resolved Tichenor Licensing Corporation's Missouri City Counterproposal..."

"The purely obstructionist motivation for KQQK's Petition is unmistakably revealed by the simple fact that KQQK could (with Commission approval of a minor change from 301 application) move its transmitter from its current site to the proposed site specified in the Petition..."

"Since KQQK's proposed transmitter move can be achieved without making any change in the station's community of license, it is clear that KQQK's request to change Station KQQK-FM's community of license from Galveston to Missouri City is entirely gratuitous, and its Petition is a disingenuous pleading which should not be entertained by the Commission."

5. The 1999 pleading written by Messrs. Russo and Cohn on behalf of Tichenor License Corporation is inconsistent with what Messrs. Lipp and Cohn are now arguing on behalf of Tichenor License Corporation in the current Vinton proceeding. Tichenor's proposed change in city of license from Winnie to Lumberton is a totally gratuitous change with no enhanced service to the public. And most importantly, Tichenor has available to them a replacement channel for Winnie that does not interfere with the Vinton proceeding.¹ The availability of KQBU as a replacement channel for Winnie speaks to my accusation of Tichenor's Counterproposal as a contrivance and manipulation of the 307(b) rule.

6. If the Tichenor KOBT city of license change from Winnie to Lumberton

¹ In addition to KOBT FM, Tichenor is also the licensee of KQBU FM/ Port Arthur. KQBU, like KOBT, is a full class C FM located on the same tower as is KOBT. (see Exhibit B) Since Port Arthur, Texas currently has 2 FM's (KQBU-FM and KTJM-FM) and 2 AM's (KDEI-AM and KOLE-AM), Tichenor could have used KQBU/ Port Arthur as the replacement channel for Winnie. Texas.

is merely a contrivance in order to create an artificial preference, does their Counterproposal meet the “logical outgrowth” test? In the Memorandum Opinion and Order released November 30, 2001, Taccoa, Sugar Hill, and Lawrenceville, Georgia, MM Docket No. 98-162, the Commission expressed a clear concern regarding the gamesmanship involved with a petitioner filing a counterproposal to its own proposal. In addition to it being an unnecessary expenditure of staff resources, the Commission expressed its concern with fairness to other parties. The Commission goes on to say, “There is also an issue as to whether the second proposal filed by the rulemaking proponent is within the scope of the notice or meets a “logical outgrowth” test.” It seems to me that the Commission feels that a contrived counterproposal that’s sole purpose is to subvert the public interest would not meet the test of a “logical outgrowth”. Certainly, where counterproposals involve manipulation of Section 307(b) policies, real world considerations and common sense should be applied to reject such gamesmanship.

7. And finally, Tichenor feels the apparent need to belittle my October 15, 2002 Reply Comments and to characterize them as, “from another day and another context.” Tichenor goes on to say, the purpose of these types of pleadings “was to cast aspersions on (and occasionally even to vilify) the petitioner’s adversary and its motives, in the hope of persuading the Commission that the adversary had engaged in some kind of nefarious or duplicitous conduct, or that some aspect of its proposal was a subterfuge, and not worthy of belief.” However, my Reply Comments of October 15th reflect the same concern which Messrs. Cohn and Marks on behalf of Tichenor expressed in their Comments to MM Docket No. 99-284, which is the use of the change in community of license of a station merely as a devise to achieve an end unrelated to the city of license

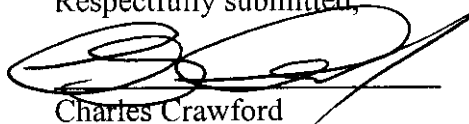
change and not to enhance service to the public.

8. Since Tichenor does have a replacement channel available to them for Winnie, KQBU-FM/ Port Arthur, which does not interfere with any current proceeding, then the Commission should evaluate the Counterproposal based on the real public interest comparison of 1st service Winnie, Texas to 1st service Vinton, Louisiana. Additionally, the Commission should find that the gamesmanship employed by Tichenor in creating an artificial void by the community of license change of KOBT-FM from Winnie, Texas to Lumberton, Texas does not meet the "logical outgrowth" test and should be rejected.

9. For the foregoing reasons, I urge the Commission to allot Channel 287A to Vinton, Louisiana and deny the Tichenor License Corporation Counterproposal. Should this petition be granted, and Channel 287A be allotted to Vinton, Louisiana, Petitioner will apply for Channel 287A, and after it is authorized, will promptly construct the new facility.

The factual information provided in these "Reply Comments of Charles Crawford" is correct and true to the best of my knowledge.

Respectfully submitted,



Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 520-7077 Tele
(214) 443-9308 Fax

cc: Gene A. Bechtel, Law Office of Gene Bechtel, suite 600, 1050 17th Street, N.W., Washington, D.C. 20036, tele: (202) 496-1289, fax: (301) 762-0156, attorney for the Petitioner. It is requested that the Commission and any parties who may file pleadings in the captioned matter serve copies to Mr. Bechtel as well as the Petitioner.

January 6, 2003

Exhibit A

(Comments of Tichenor License Corporation in MM Docket No. **99-284**, Galveston and Missouri City, Texas)

ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

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NOV - 8 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 99-284
Table of Allotments,) RM-9697
FM Broadcast Stations.)
(Galveston and Missouri City, Texas))

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

Comments

Tichenor License Corporation ("TLC"), licensee of Station KOVA(FM), Rosenberg, Texas, by its counsel, hereby submits these Comments in response to the Notice of Proposed Rule Making ("NPRM") issued by the Commission on September 17, 1999, in the above captioned proceeding.

In the NPRM, the Commission seeks comment on the proposal of KQQK License, Inc. ("KQQK"), licensee of Station KQQK-FM, operating on Channel 293C at Galveston, Texas, to reallocate Channel 293C from Galveston to Missouri City, Texas, and, pursuant to Section 1.420(i) of the Rules, to modify the station's authorization accordingly. In its Petition for Rule Making ("Petition") filed with the Commission on June 24, 1999, KQQK contended, and the

Commission's NPRM comments, that the allotment of Channel 293C to Missouri City warrants consideration because it "could provide the community with its first local aural service" NPRM, Paragraph 3. However, TLC has already proposed the addition of a first local service to Missouri City as a counterproposal in MM Docket No. 99-26. Moreover, as will be explained below, KQQK's Petition is completely unnecessary, and is nothing more nor less than a transparent effort by KQQK to frustrate TLC's proposal to reallocate Station KOVA from Rosenberg to Missouri City. For this reason among others, TLC's proposal to allocate Channel 285C3 to Missouri City should be resolved before the Commission can determine whether KQQK's proposal, if adopted, would, in fact, add a first local aural service in Missouri City.

I. KOOK's Petition Is Disingenuous.

TLC's Station KOVA(FM) operates on Channel 285A at Rosenberg, Texas. Stations KOVA and KQQK-FM broadcast in the Spanish language, and are direct competitors for audience and revenues in the Greater Houston/Galveston market. On March 29, 1999, almost three (3) months before KOOK filed its Petition, TLC timely filed a counterproposal in MM Docket No. 99-26 in which it proposed to replace Channel 285A at Rosenberg with Channel 285C3 at Missouri City, Texas. as Missouri City's first local service and, pursuant to Section 1.420(i) of the Rules, to modify the licensee of Station KOVA(FM) accordingly. This highly salient fact was known to KQQK at the time it filed its Petition, but was deliberately omitted from the text of the Petition.¹ TLC's pending proposal to add Channel 285C3 to Missouri City

¹ The failure of KQQK's Petition to clearly state that TLC had on file a proposal to add Channel 285C3 to Missouri City is disturbing, to say the least. Although the Petition mentions MM Docket No. **99-26** in another context (i.e., TLC's counterproposal also contemplates the allotment of Station KLTO(FM) from Galveston to Crystal Beach, (Continued...))

was also overlooked by the Commission in the NPRM, but this was clearly **an** inadvertent omission, and not done deliberately as is the case with KQQK.

On June 24, 1999, KQQK filed its Petition which has led the Commission to issue the instant NPRM. The same day, KQQK's parent entity (El Dorado Communications, Inc.) filed Reply Comments and Opposition to Counterproposal ("Opposition") in MM Docket No. 99-26 in which it opposed TLC's Missouri City counterproposal. KQQK filed its Petition for precisely the same reason **as** KQQK's parent filed its Opposition to TLC's Missouri City counterproposal - i.e., to obstruct TLC's proposal to reallocate Station KOVA from Channel 285A at Rosenberg to Channel 285C3 at Missouri City. The means selected by KQQK to obstruct TLC was to propose changing the community of license of Station KQQK-FM from Galveston to Missouri City, not to enhance service to the public, but in the hope that it would be approved by the Commission before the Commission resolved TLC's Missouri City counterproposal in MM Docket No. 99-26 (which KQQK's parent had opposed), thereby negating TLC's claim for credit under Priority 3 ("first local service") under Revision of FM Assignment Policies and Priorities, 90 FCC 2d 88, 90-93 (1982) ("Revision"). The purely obstructionist motivation for KQQK's Petition is

(...Continued)

Texas) (see Petition, page 3, footnote 11 [sic]), there is no mention whatsoever of TLC's Missouri City proposal in the text of the Petition. Although the Narrative Statement of John J. Mullaney ("Mullaney Statement") also contains references to MM Docket No. 99-26, Mr. Mullaney's descriptions of TLC's proposal to move station KOVA(FM) from Rosenberg to Missouri City are, at the very least, both confusing and misleading. See Section I, "General", wherein Mr. Mullaney notes that "Missouri City presently has **no** licensed AM or FM facility," and then states that TLC "in MM Docket 99-26 proposes the reallocation of Channel 285A from Galveston," thereby implying that TLC has proposed the move of its Galveston station (which is KLTO, not KOVA) to Missouri City. TLC has made no such proposal, and is instead proposing to **reallocate** its Rosenberg Station KOVA to Missouri City. Therefore, KQQK was fully aware of TLC's pending proposal to add an allotment to Missouri City when it filed its Petition, including the claim that its proposal would bring a first local service to Missouri City. **As** explained in the text, KQQK's decision not to mention TLC's Missouri City proposal in its petition was done because it obviously hoped (and perhaps continues to hope) that the Commission will consider its proposal to add Channel 293C to Missouri City before the Commission considers TLC's earlier-filed proposal to add Channel 285C3 to Missouri City, thereby depriving TLC's proposal from consideration for providing a first local service to Missouri City.

unmistakably revealed by the simple fact that KQQK could (with Commission approval of a minor change Form 301 application) move its transmitter from its current site to the proposed site specified in the Petition (see Mullaney Statement, page 2) while continuing to place the required principal community contour over all of Galveston. See the attached Engineering Statement of Louis R. duTreil, Sr. (Exhibit 1 hereto). Since KQQK's proposed transmitter move can be achieved without making any change in the station's community of license, it is clear that KQQK's request to change Station KQQK-FM's community of license from Galveston to Missouri City is entirely gratuitous, and its Petition is a disingenuous pleading which should not be entertained by the Commission

II. The Commission Should Resolve TLC's Pending Proposal to Allot Channel 285C3 to Missouri City and Should Defer Action on KQQK's Petition

TLC filed its proposal to add Channel 285C3 to Missouri City as the first allotment to that community three months before KQQK filed its proposal to add Channel 293C to Missouri City. For this reason, the Commission should first resolve TLC's proposal for Missouri City in the context of MM Docket No. 99-26 and, in the meantime, it should defer action on KQQK's proposal for Missouri City in the instant proceeding.

Logical necessity requires that the Commission consider the TLC and KQQK proposals sequentially rather than concurrently.² The Commission cannot consider the two proposals to add a "first" allotment to Missouri City concurrently because the Commission would not be able

² There is no technical conflict between the TLC and the KQQK proposals. TLC's proposal to allot Channel 285C3 at Missouri City in MM Docket No. 99-26 is consistent with KQQK's proposal to allot Channel 293C at Missouri City, and the other aspects of TLC's counterproposal are consistent with KQQK's proposal.

to determine which (if either) of the Missouri City proposals should be given credit under Revision for proposing the *first* “first local service” to Missouri City.

The order in which the Commission addresses the two Missouri City proposals may have a significant impact on the outcome of the proceedings because a proposal to provide “first local service” is Priority 3 under Revisions. TLC contended that its counterproposal would provide a first local service to Missouri City (which currently has no assigned station), and claimed credit under Priority 3. If TLC’s proposal is entitled to credit under Priority 3, it would greatly increase the likelihood that the Commission would approve TLC’s counterproposal. On the other hand, if KQQK’s Petition were considered and resolved in KQQK’s favor before MM docket 99-26 is resolved, it would for all practical purposes defeat TLC’s claim for credit for providing a first local service to Missouri City?

Sound public policy, as well as simple fairness, requires that the Commission consider TLC’s proposal for Missouri City before it considers KQQK’s subsequently-filed proposal. The Commission should consider TLC’s proposal first because to do so would reward TLC for its initiative in being the first to propose local aural service for Missouri City, rather than rewarding KQQK, which apparently had no intention of proposing service to Missouri City until it became aware of, and then decided to do everything possible to oppose, TLC’s proposal to provide a first local service to Missouri City. Administrative considerations also favor the resolution of TLC’s proposal to provide a first local service to Missouri City before KQQK’s later-filed proposal

³ ‘This, of course, is precisely the reason -- and the only reason -- why KQQK has filed its Petition. See discussion in Section I, above.

because the procedural schedule in MM Docket No. 99-26 is further advanced than the schedule in the instant proceeding (where the opportunity to file reply comments remains open). Thus, in the ordinary course, the Commission will probably be ready to resolve the merits **of** the proceeding involving TLC's proposal to add Channel 285C3 to Missouri City before it is ready to resolve the instant proceeding. Only after the Commission has carefully and fully resolved MM Docket No. 99-26, with due consideration given to TLC's proposal to provide the first local service to Missouri City under Priority 3 under Revision, should the Commission proceed to address the merits of KQQK's proposal!

III. KOOK's Proposal Is Not Technically Feasible.

When the Commission does address the merits of KQQK's Petition, it should reject the proposal advanced by KQQK because it would cause unacceptable electromagnetic interference ("EMI") and therefore is not technically feasible. According to a study recently performed by TLC's expert FAA consultant, the Federal Aviation Administration ("FAA") will not consent to the establishment of the tower proposed by KQQK in its Petition (at the proposed site or at any nearby site) because such proposal would create unacceptable EMI. See Exhibit 2 (Affidavit of Gary Mikel Allen). It is now established that the Commission will not adopt a rule making

⁴ Assuming, arguendo, that TLC's counterproposal, including the allotment of Channel 285C3 to Missouri City, is approved, KQQK's proposal to add Channel 293C to Missouri City would be ready for consideration, but would obviously not qualify as a proposal to provide a "first local service" to Missouri City; moreover, the approval of TLC's counterproposal would leave Galveston with only two local stations ((KGBC(AM) and KHCB(AM)) in addition to KQQK-FM, **and** not three stations as assumed by KQQK in its assessment of whether the proposed reallocation of KQQK-FM from Galveston to Missouri City would result in a "preferential arrangement of allotments" under Revision. See Petition, page 3. None of this is, of course, of any concern to KQQK. Its Petition to change the community of license of Station KQQK-FM from Galveston to Missouri City is merely a strategic maneuver, and is unrelated to any legitimate effort to bring additional service to the public. **As mentioned** (Continued...)

proposal if it concludes, based on the information provided to it by the parties to the proceeding, that the proposal cannot be effectuated due to FAA/EMI problems (e.g., LaFayette, Georgia, 13 FCC Red 2093 (Allocations Branch, 1998), and Mt. Joliet and Belle Meade, Tennessee, 12 FCC Red 10481 (Allocations Branch, 1997)). Mr. Allen's analysis demonstrates that KQQK's proposal would cause unacceptable EMI and would, therefore, be rejected by the FAA. For this reason, KQQK's proposal to allot Channel 295C to Missouri City must be rejected.'

Conclusion

For the foregoing reasons, TLC submits that the Commission should evaluate its proposal to add Channel 285C3 as the first local service at Missouri City before it evaluates KQQK's proposal to add Channel 293C at Missouri City, and therefore requests that the Commission defer action in MM Docket No. 99-284 pending final Commission action in MM Docket No. 99-26. When the Commission does consider the merits of KQQK's proposal, it should reject the

(...Continued)

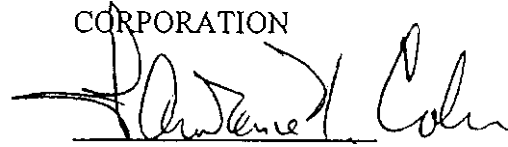
previously, KQQK can improve the facilities of Station KQQK-FM as proposed in its Petition without making any change whatsoever in the station's community of license.

⁵ In objecting to KQQK's Missouri City proposal on the ground that it is not technically feasible due to increased EMI, TLC is mindful that the same contention was advanced by KQQK's parent El Dorado, in apposition to TLC's counterproposal in MM Docket No. 99-26 to change Station KOVA from Channel 285A at Rosenberg to Channel 285C3 at Missouri City (see pages 5-6 and Exhibit 1 of the Reply Comments and Opposition to Counterproposal filed by El Dorado on June 24, 1999), and that TLC strongly contended that the Commission should reject El Dorado's position (see pages 10-14 of the Supplemental Reply Comments filed by TLC on September 16, 1999). There is no inconsistency between TLC's position with regard to the EMI concerns made against it by El Dorado in the context of MM Docket No. 99-26 and TLC's allegations vis-à-vis the proposal of KQQK in the instant proceeding. First, TLC has demonstrated that El Dorado's proposal is inconsistent with FAA's model regarding EMI (see Exhibit 2) and, under relevant Commission precedent (e.g., LaFayette, Georgia, supra, and Mt. Joliet and Belle Meade, Tennessee, supra) it is incumbent upon KQQK to establish that the EMI problems that are inherent in its proposal can, in fact, be successfully overcome. TLC is confident that the EMI issues raised by El Dorado in opposition to TLC's Missouri City proposal in MM Docket No. 99-26 were successfully rebutted by the expert opinion of TLC's expert FAA consultant (Martin C. Elliott) which was provided to the Commission in a sworn statement appended to TLC's Supplemental Reply Comments. It is now KQQK's responsibility to do the same (if it can). Second, TLC does not want to be prejudiced if the Commission does not share its view of the proper resolution of the EMI issue lodged against it by El Dorado. If the Commission were to reject TLC's Channel 285C3 Missouri City proposal because of the EMI problems which are revealed by the standard FAA model (and without regard to Mr. Elliott's expert opinion that the projected EMI difficulties can be overcome), the Commission should reject KQQK's Missouri City proposal for precisely the same reason.

proposal because it is not technically feasible and, if TLC's allotment proposal **for** Missouri City is approved, because KQQK's proposal would not effectuate the mandate of Section 307(b) of the Act.

Respectfully submitted

TICHENOR LICENSE
CORPORATION

A handwritten signature in black ink, appearing to read "Roy R. Russo", is written over a horizontal line.

Roy R. Russo

Lawrence N. Cohn

Cohn and Marks

1920N Street, N.W., Suite 300

Washington, DC 20036-1622

(202) 293-3860

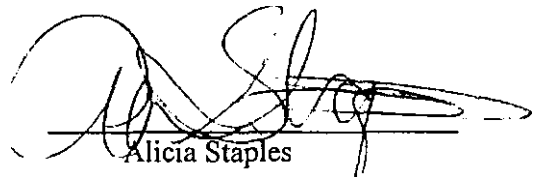
Its Counsel

Date: November **8**, 1999

CERTIFICATE OF SERVICE

I, Alicia Staples, hereby certify that on the 8th day of November, 1999, a copy of the foregoing "Comments" **was** mailed, first-class, postage prepaid to ~~the~~ following:

Lawrence Roberts
Mary L. Plantamura
Davis Wright Tremaine LLP
1155 Connecticut Avenue, N.W.
Suite 700
Washington, DC **20036**
Counsel for KQQK License, Inc.



Alicia Staples

Exhibit B

(Tower coordinates and ownership for stations KQBU-FM/ Port Arthur, Texas and KOBT-FM (formerly KLAT-FM) / Winnie, Texas. Both stations are Full Class C Stations located on the same tower, with essentially the same coverage, and are both owned by Tichenor License Corporation.)



radio-locator

formerly the MIT List of Radio Stations on the Internet

find US radio stations by location:
city/zip state
find by call letters

Message Alert

You have **1 message** waiting for you.

OK

Site Navigation

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[u.s. state search](#)
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[mobile edition](#)

KQBU-FM 93.3 MHz

Port Arthur, Texas

Station Format: *Spanish*

▶ [tell me about "Spanish" stations](#)
▶ [find more Spanish stations](#)

Station Owner:

Tichenor License Corporation ("Tlc")

▶ [find stations owned by Tichenor License Corporation \("Tlc"\)](#)
this feature is only available to [Gold Customers](#)

Website:

▶ <http://www.netmio.com/radio/kqbu/>

Audio Feed: none

Station Address:

3102 Oak Lawn Ave.
Suite 215
Dallas, TX 75219

KQBU-FM Technical Info:

Station Status Licensed Class C FM Station
Area of Coverage [View Coverage](#)
Effective Radiated Power 97,000 Watts
Height above Avg. Terrain 595 meters
Height above Sea Level 609 meters
Antenna Pattern Non-Directional
Transmitter Location 30° 3' 5" N., 94° 31' 37" W.
License Granted September 13 1996
License Expires August 01 2005
Last FCC Update September 13 1996

If you would like to submit a change for this station, [click here](#)

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find US radio stations by location

city/zip

Port Arthur

state TX

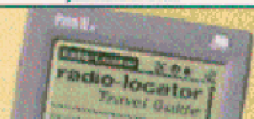
go

find by call letters

KQBU

go

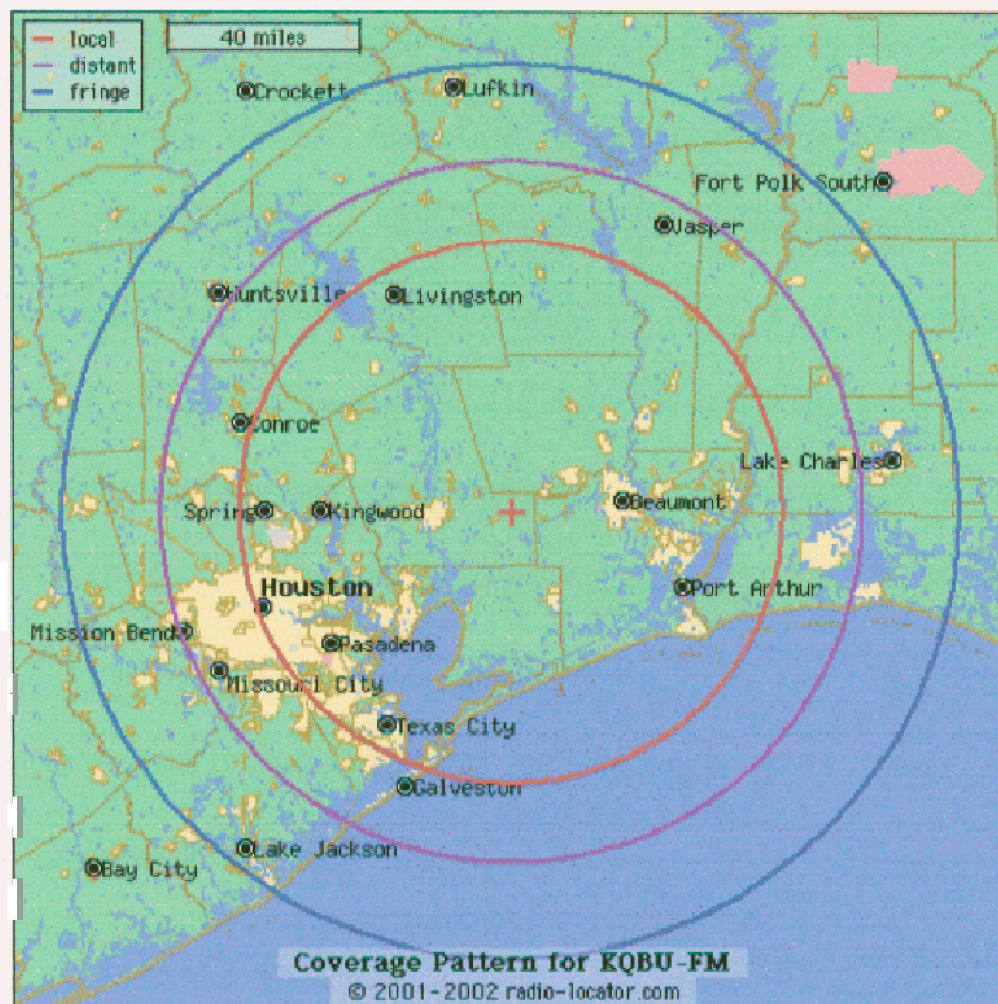
Planning a trip? What are you going to listen to when you get there? Take Radio-Locator with you!



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Predicted coverage pattern for KQBU 93.3 FM, Port Arthur, TX



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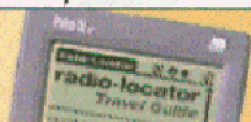
state

go

find by call letters

go

**Planning a trip? What are you going
to listen to when you get there?
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KOBt-FM 100.7 MHz

Winnie, Texas

Station Owner:

Tichenor License Corporation ("Tlc")

▶ [find stations owned by Tichenor License Corporation \("Tlc"\)](#)
 this feature is only available to [Gold Customers](#)

Station Format: *Spanish*

▶ [tell me about "Spanish" stations](#)
 ▶ [find more Spanish stations](#)

Website: none

Audio Feed: none

Station Address:

3102 Oak Lawn
 Suite 215
 Dallas, TX 75219

KOBt-FM Technical Info:

Station Status Licensed Class C FM Station
Area of Coverage [View Coverage](#)
Effective Radiated Power 100,000 Watts
Height above Avg. Terrain 595 meters
Height above Sea Level 609 meters
Antenna Pattern Non-Directional
Transmitter Location 30° 3' 5" N., 94° 31' 37" W.
License Granted April 04 1997
License Expires August 01 2005
Last FCC Update April 04 1997

If you would like to submit a change for this station, [click here](#)

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find US radio stations by location

city/zip

state

find by call letters

WINNER

If flashing, you've been selected!

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Predicted coverage pattern for **KOBT 100.7 FM, Winnie, TX**



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CERTIFICATE OF SERVICE


I, Charles Crawford, hereby certify that on this 6th day of January, 2003, I caused copies of the foregoing "Reply Comments of Charles Crawford" to be placed in the U.S. Postal Service, first class postage prepaid, addressed to the following persons:

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